



CCWRO Welfare News 2017-01

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In Brief

- DHCS established a Medi-Cal Eligibility Data System (MEDS) modernization workgroup that does not include CalWORKs advocates. MEDS has a huge impact on the lives of CalWORKs/ Medi-Cal recipients. It appears that the workgroup excludes those pesky advocates who will represent the recipients of notices of action or inactions that will be based on MEDS information.
- The Social Security Administration has a new portal for requesting SSI reconsiderations. POMS SI 04005.040 announces [iAppeals Non-Medical for Title XVI](#). There are two (2) types of actions that can be filed on-line: Request for Reconsideration ([i561](#)), and Request for Hearing by Administrative Law Judge ([i501](#)).
- The Governor presented his budget for 2017-2018. The budget reveals that there is \$7.3 billion available for CalWORKs families living on a fixed incomes equal to the maximum benefits they received in 1988, unadjusted for inflation, which is equal to 33% of the federal poverty level. Only \$5.1 billion is allocated for CalWORKs. Last year's budget passed by the Democratic Legislature literally snatched \$2,072,764,000 dollars out of the mouths of about 1 million children living in deep poverty.

• In 2011 AB 6 eliminated finger imaging for CalFresh recipients, but kept it for CalWORKs so that counties could use the system to fingerprint General Assistance and General Relief applicants. The 10/31/16 report from the Statewide Fingerimaging System shows that newly added persons included CalFresh applicants.

Number of CalFresh applicants

| County | Number of CalFresh Applicants Finger Imaged |
|--------------|---|
| Alameda | 1 |
| Contra Costa | 2 |
| Los Angeles | 188 |
| Placer | 14 |
| San Diego | 3 |

Social Workers Caught Lying & Fabricating Evidence

Hardwick v. Orange County is a civil rights action alleging social worker defendants used alleged maliciously perjured testimony and fabricated evidence to secure plaintiff's removal from her mother, and that this abuse of state power violated her Fourth and Fourteenth Amendment constitutional rights to her familial relationship with her mother. (*Hardwick v. County of Orange*, 15-55563, published January 3, 2017)

The United State Court of Appeals for the Ninth Circuit ruled that there is no absolute and qualified immunity for social workers who use perjured testimony and fabricated evidence to secure plaintiff's removal from her mother as an abuse of state power which violates the Fourth and Fourteenth Amendment constitutional rights to her familial relationship. Deanna Fogerty-Harwick lost custody of her minor children, Preslie and Kendall by an order of the Superior Court of Orange County, California based upon false allegations, perjured testimony and fabricated evidence.

Deanna Fogerty-Harwick brought a civil rights action under 42 U.S.C. § 1983, and successfully sued some of the County and employees of its Social Services Agency ("SSA") recovering monetary damages and attorneys' fees. (*Fogarty-Harwick v. County of Orange*, No G)39045, 2010 WL 2354383 at 1 (Cal.Ct. App. June 14, 2010)

Excerpts from Trail - Judge Trott: *Are you telling me that a person in your client's shoes could not understand you cannot commit perjury in a court proceeding in order to take somebody's children away?* **Answer:** *Of course not.*

Judge Owens: *Was there anything you know of that told social workers that they should lie and they should create false evidence in a court proceeding?* **Answer:** *No*

(cont'd pg2)

Harwick, cont'd.

Preslie Harwick contended that the social worker employees acting under color of state law maliciously used perjured testimony and fabricated evidence to secure her removal from her mother, and that this abuse of state power violated her Fourth and Fourteenth Amendment constitutional rights to her familial relationship with her mother.

Social workers, who lied under oath and fabricated evidence, claimed to have qualified immunity to shield them from the action brought by Deanna Fogerty-Hardwick. The court held: In this case, the jury specifically concluded that Vreeken and Dwojak lied, falsified evidence and suppressed exculpatory evidence—all of which was material to the dependency court's decision to deprive Fogarty-Hardwick of custody—and that they did so with malice.

The court held that “Parents and children have a well-elaborated constitutional right to live together without governmental interference. That right is an essential liberty interest protected by the Fourteenth Amendment's guarantee that parents and children will not be separated by the state without due process of law except in an emergency.” *Wallis v. Spencer*, 202 F.3d 1126, 1136 (9th Cir. 2000) (citations omitted).

The US Supreme Court, in *Moore v. City of East Cleveland*, 431 U.S. 494, 503–04 (1977) said “Our decisions establish that the Constitution protects the sanctity of the family precisely because the institution of the family is deeply rooted in this Nation's history and tradition. It is through the family that we inculcate and pass down many of our most cherished values, moral and cultural.”

County Client Abuse Report

- Ms. B194F60 received a NOA from Los Angeles County terminating benefits for not turning in a SAR-7 that had no changes to report. The complete SAR-7 was turned in before the end of the submit month. The “i”s were dotted and the “t”s were crossed. However, Los Angeles County was not able to get LRS to understand that the completed SAR-7 was received and the case had to be re-stored. Thus, Ms. B194F60 did not receive her benefits timely in December 2016, January 2017 and February 2017 because the county had manually forced the system to issue the benefits, each month, after Ms. B194F60 told the county “I did not get my benefits.”

- A Los Angeles County Medi-Cal recipient Ms. U26B6CB, had no share of cost Medi-Cal and was receiving IHSS with no share of cost. One horrible day on 3/5/17, she received a notice of action dated 3/3/17 stating: “Your share of cost is changed to \$100 per month beginning 03/01/17”, Also on 3/5/17 she received another notice of action dated 3/3/17 stating: “Your share of cost is changed to \$100 per month beginning 02/01/17. MPP§22-001(t)(1) provides: “Timely Notice - A written notice that is mailed to the person affected at least 10 days before the effective date of the action. See Section 22-072.4 for computation of the 10-day period.” These illegal notices released by LRS are a gross violation of *Goldberg v. Kelly* that requires an advance notice before the county can take a negative action.

- Los Angeles County DPSS victim Ms. B0K0T24 is a mom of 8 kids. She receives CalWORKs, Cal-Fresh and Medi-Cal. Her annual redetermination was due in February of 2017. She completed the volumes of paper mailed by DPSS and turned them into the DPSS Compton office on 2/17/17. She was interviewed by a worker who requested numerous verification without using the CW 2200. NOTE: On 3/14/14, DSS issued ACL 14-26 stating that counties have to use the CW 2200 to request verification. There was nothing in ACL 14-26 stating “except for Los Angeles County.”

Ms. B0K0T24 returned to the DPSS Compton office twice to keep the appointment with the worker, but the worker was not present. She turned in the requested verification, including one check stub for \$420.75 and had a receipt proving that the requested verification was submitted. Her husband only received one check in January for \$420.75. The check shows that the year-to-date was also \$420.75. Effective March 1, 2017, the DPSS Compton office stopped her benefits because allegedly she failed to turn in all checks for January.

Ms. B0K0T24 contacted her advocate on 3/3/17 who advised her to reapply for CalWORKs. The advocate was relying on **MPP §40-109.1** “*Right to Apply for Aid*” subject to the limitations set forth in Section 40-117, any person has the right to apply for aid, either on his/her own behalf or on behalf of another. An applicant who appears ineligible must still be allowed to exercise his/her right to make an application”.

When Ms. B0K0T24 tried to make an application at the DPSS Compton office, she was told that she could not apply for CalWORKs because she had an open case. “My benefits had been stopped, but my case is still open,” said Ms. B0K0T24. “That is

weird”. But Los Angeles County DPSS Compton office supervisor, Ruby Dye told her she could not apply, and to just bring in certain verification and her benefits will be issued. The supervisor failed to give her a CW 2200 for the requested verification. Ms. B0K0T24 returned to the office on 3-7-17 and this time Ms. Dye said that she needed to reapply.

The advocate trying to help Ms. B0K0T24. He contacted the DPSS Compton office and talked to Deputy Director, Darnell King. Ms. King told the advocate that Ms. B0K0T24 needs to provide DPSS Compton office with copies of all check stubs that her husband received during the 21st century – end of story. Ms. King also stated that no person in Los Angeles county can apply if they have an open case. Ms. King stated that no person in Los Angeles county could apply if they had an open case, even if their benefits have been stopped. The advocate asked if a person had an open case for several weeks or months but received no benefits, could they reapply? Ms. King’s response was “no”.

The fundamental problem in this case is that Mr. B0K0T24 had only worked one week in January and got only one check. But DPSS did not believe him. The Compton office informed the advocate that Mr. B0K0T24 must go to the employer and get proof that he only received one check in January. Yes, DPSS wanted her husband to tell the employer that he is a welfare recipient and the welfare office does not believe that he only got one check in January. “Can you please give me a letter saying I only got one check in January?” This may be the last time that Ms. B0K0T24’s husband is asked to work for this employer – for the employer never knew that he had a “welfare recipient” working for him. Yes. DPSS calls the program “welfare-to-work, but they run it like the welfare-to-welfare. As of 3/9/17, Ms. B0K0T24 still had no benefits and was prohibited from making an application for aid.

Fortunately, Winna Crichlow, Division Manager of Division IV was able to get the payment out to Ms. B0K0T24. Thank you Ms. Crichlow. However, the question is how many other Ms. B0K0T24’s are being treated this way by the Compton office?

CCWRO FACT

In December, 2016, during the holiday season, 1.3 million SSI recipients lost \$124 million in food stamps. Annually, there is a \$1.5 billion loss of federal money for California’s food insecure SSI recipients. Thousands of SSI recipients endured food insecurity while the holiday cupboards of those who could have made food stamps available to them were well stocked. This mean-spirited policy could easily change if the will to do it was there.

**Mark Your Calendars!
May 4th, 2017**

**Big
Day of
Giving**

Every year the Sacramento Region Community Foundation sponsors the “Big Day of Giving” cam-

paign. The Big Day of Giving is an opportunity for donors to show their community pride and support the nonprofits that make our region great. This is the first year CCWRO will be participating and we are asking friends, colleagues and the community to think of us on May 4th and donate what you can. We can also ask for matching funds from individuals, groups, companies, etc. Go to <https://www.bigdayofgiving.org/>, go to “find a nonprofit”, enter “Coalition of California Welfare Rights Organizations” and explore our information pages and needs requests. We appreciate your support on May 4, 2017!